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Message Text

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21
ACTION DLOS-04

INFO OCT-01 ISO-00 IO-13 AF-06 ARA-06 EA-07 EUR-12 NEA-10

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

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FM USMISSION USUN NY
TO SECSTATE WASHDC 6922
INFO AMEMBASSY VIENNA
AMEMBASSY SANTIAGO
AMEMBASSY YAOUNDE
AMCOMGEN KARACHI
AMEMBASSY MEXICO CITY
AMEMBASSY LIMA
AMEMBASSY ISLAMABAD

C O N F I D E N T I A L USUN 1595

FROM LOS DEL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS COMMITTEE II MEETINGS, APRIL 12, 1976

1. SUMMARY. FOLLOWING THE GENERAL COMMITTEE MEETING, COMMITTEE II MET TWICE IN INFORMAL SESSION, CONTINUING ITS DEBATE FROM THE PREVIOUS DAY ON ARTICLES 57 AND 58. CONSIDERABLE ADDITIONAL SUPPORT WAS GIVEN THE AUSTRIAN REVISION (SEPTEL) OF ARTICLES 57 AND 58 REPRESENTING THE POINT OF VIEW OF THE GROUP OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS). A COMPROMISE PROPOSAL BY THE
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CAMEROONS ALSO RECEIVED CONSIDERABLE SUPPORT. THE DEBATE

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WAS, AT TIMES, ACRIMONIOUS, WITH THE PRINCIPAL ANTAGONISTS BEING MEXICO AND BOLIVIA. THE DEBATE ON THESE ARTICLES WILL CONTINUE. END SUMMARY.

2. ARTICLE 57 (RIGHTS OF LAND-LOCKED STATES IN THE ECONOMIC ZONE):
A. AUSTRIA'S PROPOSAL ON BEHALF OF THE LL/GDS (SEPTEL) PROVIDING, MOST IMPORTANTLY, NOTWITHSTANDING THE PROVISIONS OF ARTICLES 50 AND 51, FOR EXPLOITATION OF LIVING RESOURCES ON A REGIONAL OR SUB-REGIONAL BASIS BY LAND-LOCKED STATES ON AN EQUAL FOOTING WITH THE COASTAL STATES IN THE ECONOMIC ZONE, ENABLING LAND-LOCKED STATES TO OBTAIN AN EQUITABLE SHARE NOT TIED TO THE SURPLUS (AND PROVIDING DEVELOPED STATES ACCESS TO DEVELOPED STATE ECONOMIC ZONES IN THE REGION OR SUB-REGION), WAS EXPRESSLY SUPPORTED BY NEPAL, KUWAIT, JORDAN, POLAND, SW-AZILAND, BULGARIA, SWITZERLAND, HYNGARY, SWEDEN, AFGHANISTAN, LAOS, BHUTAN, CHAD AND NIGERIA. PARAGUAY, UGANDA, BYELORUSSIA AND MONGOLIA INDICATED SYMPATHY FOR THE PROPOSAL. ISRAEL HAD NO OBJECTION. RIDNIDAD AND TOBAGO COULD ACCEPT THE PROPOSAL, WITH SLIGHT CLARIFICATIONS. JAMAICA COULD ACCEPT THE PROPOSAL AS AN ALTERNATIVE TO THE CAMEROON PROPOSAL (SET FORTH BELOW.) UPPER VOLTA COULD ACCEPT THE PROPOSAL TO THE EXTENT IT REFLECTED THE OAU DECLARATION OF HEADS OF STATE.
B. ECUADOR, ARGENTINA AND COLUMBIA SUPPORTED THE CHILEAN PROPOSAL (SEPTEL), PROVIDING MOST IMPORTANTLY FOR BILATERAL OR REGIONAL AGREEMENTS FOR LAND-LOCKED STATES TO BE GIVEN ACCESS TO THE SURPLUS OF ALLOWABLE CATCH, ON AN EQUITABLE BASIS, BUT WITH PREFERENCE OVER THIRD STATES. (DEVELOPED LAND-LOCKED STATES WOULD HAVE ACCESS TO THE LIVING RESOURCES OF THE ECOMOMIC ZONES OF DEVELOPED STATES IN THE REGION). SENEGAL ALSO SUPPORTED THIS PROPOSAL, BUT INDICATED SOME FLEXIBILITY IN THE DIRECTION OF COMPROMISE WITH THE LL/GDS. MOROCCO SHOWED SOME INTEREST. MEXICO REPEATED ITS EARLIER SUPPORT FOR THE CHILEAN PROPOSAL, BUT PROPOSED THE FOLLOWING ADDITIONAL PARAGRAPH, QTE THE PROVISIONS OF THIS ARTICLE SHALL BE WITHOUT PREJUDICE TO ARRANGEMENTS AGREED UPON IN REGIONS WHERE COASTAL STATES ARE PREPARED TO GRANT TO LAND-LOCKED STATES OF THE REGION EQUAL RIGHTS FOR THE EXPLOITATION OF THE LIVING RESOURCES IN THE EXCLUSIVE ECONOMIC ZONE UNQTE. MEXICO ALSO INDICATED THAT IT WAS ABLE TO ACCEPT THE SNT
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WITH THIS AMENDMENT.
C. PERU PROPOSED TO ADD A NEW PARAGRAPH, QTE IN REGIONS OR SUB-REGIONS WHERE CIRCUMSTANCES ALLOW, THE COASTAL STATE MAY ENTER INTO AGREEMENTS TO GRANT LAND-LOCKED STATES ACCESS TO LIVING RESOURCES OF THEIR EXCLUSIVE ECONOMIC ZONES IN CRICUMSTANCES NOT SUBJECT TO THE EXISTENCE OF SURPLUSES REFERRED TO PARAGRAPH 3 OF THIS ARTICLE BEGIN BRACKET OF THE PERU DRAFT END BRACKET UNQTE.

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THERE WAS NO SUPPORTFOR THIS PROPOSAL.

3. ARTICLE 58 (RIGHTS OF GEOGRAPHICALLY DISADVANTAGED
STATES TO PARTICIPATE IN EXPLOITATION OF THE LIVING
RESOURCES OF THE ECONOMIC ZONES):
A. REFERENCES WERE MADE TO AUSTRIA'S PROPOSAL (ALSO RE-
PRESENTING THE VIEWS OF THE LL/GDS) FOR A NEW ARTICLE 58
(SEPTEL) PROVIDING MOST SIGNIFICANTLY FOR DEVELOPING GEOGRA-
PHICALLY DISADVANTAGED STATES THE RIGHT OF EXPLOITATION IN THE
ECONOMIC ZONE ON AN EQUAL FOOTING WITH THE COASTAL STATES TO
OBTAIN AN EQUITABLE SHARE OF LIVING RESOURCES WITHIN A SUB-RE-
GIONAL OR REGIONAL CONTEXT WITHIN A REGIONAL AND NOT SUBJECT TO
A SURPLUS. (FOR DEVELOPED STATES WHICH HAVE HABITUALLY
UTILIZED THE LIVING RESOURCES IN THE ECONOMIC ZONE IN
THE PAST THERE WOULD BE THE RIGHT TO CONTINUE
ON AN EQUITABLE BASIS IN THE ECONOMIC ZONE OF
DEVELOPED STATES OF THE REGION OR SUB-REGION.) SINCE THE DIS-
CUSSIONS IN THE COMMITTEE TENDED TO DEAL WITH ARTICLES 57
-,$ 58 SIMULTANEOUSLY, IT APPEARED THAT A NUMBER OF THOSE
STATES SUPPORTING ARTICLE 57 OF THE AUSTRIAN PROPOSAL
ALSO SUPPORTED ARTICLE 58.

4. PROPOSALS COMBINING ARTICLES 57 AND 58;
A. THE PAKISTANI PROPOSAL (SEPTEL) PROVIDING THE
COASTAL STATES WITH VIRTUAL DISCRETION AS TO WHETHER TO ALLOW
NEIGHBORING LAND-LOCKED STATES OR GEOGRAPHICALLY
DISADVANTAGED STATES TO PARTICIPATE IN THE EXPLOITATION
OF LIVING RESOURCES IN THE ECONOMIC ZONE RECEIVED THE
SUPPORT OF CAMBODIA AND OF MOROCCO.
B. CAMEROON PROPOSED A COMPROMISE AS FOLLOWS:
QTE..
1. THE DEVELOPING LAND-LOCKED AND GEOGRPAHICALLY
DISADVANTAGED STATES ARE ENTITLED TO PARTICIPATE
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ON AN EQUAL FOOTING WITH THE COASTAL STATES IN THE
EXPLOITATION OF THE LIVING RESLURCES OF THE
EXCLUSIVE ECONOMIC ZONES OF OTHER STATES IN THE
REGION OR SUB-REGION.
2. DEVELOPED LAND-LOCKED OR GEOGRAPHICALLY DISAD-
VANTAGED STATES ARE ENTITLED TO PARTICIPATE ON
EQUAL FOOTING WITH DEVELOPED NEIGHBORING COASTAL
STATES IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE
EXCLUSINVE ECONOMIC ZONES OF OTHER DEVELOPED STATES IN THE
REGION OR SUB-REGION.
E. THE MODALITIES OF SUCH PARTICIPATION MAY BE
DETERMINED BY THE STATES CONCERNED BY BILATERAL,
REGIONAL, AND SUB-REGIONAL AGREEMENTS.
4. THE PROVISIONS OF THIS ARTICLE ARE WITHOUT PREJUDICE
TO THE PROVISIONS OF ARTICLES 50 AND 51.

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UNQUTE..
THE FOLLOWING STATES SUPPORTED THIS PROPOSAL:
ALGERIA, CHAD, MALI, TOGO, CAMBODIA, AND BARBADOS. THOSE
STATES WHICH WERE SYMPATHETIC WERE: CONGO, UPPER VOLTA
(TO THE EXTENT THAT THE PROPOSAL REFLECTS THE OAU
POSITION), ETHIOPIA, AND MONGOLIA. UGANDA, SINGAPORE,
BYELORUSSIA,LAOS, BOLIVIA, BHUTAN, SWITZERLAND, HUNGARY,
(EXCEPT FOR PARAGRAPH 4), ROMANIA AND BULGARIA INDICATED
THAT THE PROPOSAL WITH WORTHY OF CONSIDERATION. TUNISIA
ALSO FELT THAT IT WAS HELPFUL AND WOULD SUPPORT IT WITH
MINOR CHANGES. GHANA WOULD SUPPORT THE PROPOSAL AS AN
ALTERNATIVE TO THE SNT. SENEGAL COULD SUPPORT THE PRO-
POSAL, IF THE ECONOMIC ZONE AND CONTINENTAL SHELF
CHAPTERS WERE ACCEPTABLE, OVERALL. JAMAICA COULD ALSO
SUPPORT THIS PROPOSAL AS AN ALTERNATIVE TO THE AUSTRIAN
PROPOSAL.

5. IT IS NOTED THAT A NUMBER OF STATES RAISED THE ISSUE
OF THE UNDEFINED CHARACTER OF REGIONS AND SUB-REGIONS AND
OF THE NOTION OF GEOGRAPHICALLY DISADVANTAGED STATES.
MOREOVER, THERE WAS CONSIDERABLE DOUBT EXPRESSED AS
TO THE MENAING OF THE TERM "EQUITABLE". NO SATISFACTORY
ANSWERS WERE OFFERED FOR THESE QUESTIONS.

6. MEXICO, IN A LENGTHY INTERVENTION, CRITICIZED THE
AUSTRINA PROPOSAL AS GIVING LAND-LOCKED STATES A DISTINCT
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ADVANTAGE OVER COASTAL STATES, IN THAT THE LAND-LOCKED
STATES WOULD HAVE THE RIGHT TO PARTICIPATE ON AN EQUAL
FOOTING IN THE ECONOMIC ZONES OF NUMEROUS COUNTRIES, BUT
THE COASTAL STATES WOULD NOT HAVE A SIMILAR RIGHT.
MEXICO WARNED THAT COASTAL STATES WERE HARDENING IN THE
FACE OF THE LAND-LOCKED /GEOGRAPHICALLY DISADVANTAGED
STATES OFFENSIVE AND THAT, ALTHOUGH LL/GDS CONSTITUTED A
BLOCKING THIRD, THE COASTAL STATES CONSTITUTED A 2/3RDS
MAJORITY. MEXICO FURTHER WARNED THAT THIS GROUP SHOULD CONSIDER
WHAT WOULD HAPPEN IN THE EVENT THAT THERE WWERE NO CONVENTION
AND SUGGESTED THAT THE LOSERS WOULD, IN FACT, BE THE LAND-
LOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES. A NUMBER OF STATES, INCLUDING MOST NOTABLY,
BOLIVIA VIEWED THESE REMARKS AS THREATS. THE DEBATE
BETWEEN COASTAL STATES AND THE LAND-LOCKED AND GEO-
GRAPHICALLY DISADVANTAGED STATES APPEARS TO BE BECOMING
INCREASINGLY ANTAGONISTIC.
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